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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
ADDY, ANTHONY S	
ART UNIT	**PAPER NUMBER**
2681	

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/065,257	NARASIMHA ET AL.	
	Examiner	Art Unit	
	Anthony S. Addy	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 April 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6-17,19-32 and 34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-4,6-17,19-32 and 34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 September 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *02/25/2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to applicant's amendment filed on April 13, 2005.

Claims 1-4, 6-17, 19-32 and 34 are now pending in the present application.

Response to Arguments

2. Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 8, 10, 11, 13-14, 16-17, 22-27 and 30-31 are rejected under 35 U.S.C. 102(b) as being anticipated by **Tiedemann, Jr. et al., U.S. Patent Number 5,999,816 (hereinafter Tiedemann)**.

Regarding claims 1, 16 and 30 Tiedemann teaches a computer-readable medium having computer-executable instructions for performing a method of selecting a communication system (see col. 1, lines 8-11, col. 3, lines 19-24 and Fig. 5), comprising; receiving a first quality indicator for a channel (see col. 3, lines 28-45, col. 9, lines 47-60, col. 10, lines 26-31 and Fig. 5; step 60 [i.e. the received total pilot energy E_c/I_o reads on a first quality indicator]); receiving a second quality indicator for the

channel after a predetermined time period in response to the first quality indicator being below a predetermined threshold value (see col. 9, line 47 through col. 10, line 4 and Fig. 5; The feature of the second quality indicator is met by going through the loop when the received total pilot energy E_c/I_o does not exceed a MIN_TOT_PILOT [i.e. the predetermined threshold value at step 60], the process continues to monitor viable pilots till a quality indicator exceeds a predetermined threshold value and leading to a successful hard handoff at step 62); scanning any channels in a channel scan list in response to the second quality indicator being below the predetermined threshold value (see col. 3, lines 46-65 and col. 9, line 56 through col. 10, line 43 [i.e. the feature of scanning any channels in a channel scan list in response to the second quality indicator being below the predetermined threshold value is met, since Tiedemann discloses if the minimum pilot energy threshold is not exceeded, the mobile station performs a search to locate viable pilot signals in a list of offsets provided to the mobile station]); and acquiring another channel from the channel scan list in response to the other channel having an associated quality indicator greater than or equal to the predetermined threshold value (see col. 3, lines 39-45, col.3, lines 59-65 and col. 10, lines 26-43).

Regarding claim 8, Tiedemann teaches all the limitations of claim 1. In addition, Tiedemann teaches a method, further comprising performing an initial acquisition scan in response to failing to acquire the other channel having the associated quality indicator greater than or equal to the predetermined threshold value (see col. 3, lines 39-65 and col. 9, line 46 through col. 10, line 43).

Regarding claim 10, Tiedemann teaches all the limitations of claim 1. In addition, Tiedemann teaches a method, wherein acquiring the other channel comprises acquiring one of a CDMA channel or an Advanced Mobile Phone Service (AMPS) channel (see col. 2, lines 1-16 and col. 9, lines 1-8).

Regarding claim 11, Tiedemann teaches all the limitations of claim 1. In addition, Tiedemann teaches a method, further comprising building the channel scan list, wherein the channel scan list includes channels on alternate systems (see col. 9, lines 29-36 and col. 10, lines 10-43).

Regarding claim 13, Tiedemann teaches all the limitations of claim 1. In addition, Tiedemann teaches a method, wherein scanning any channels in the channel scan list comprises performing a microscan of any channels on a grey zone channel list (see col. 3, lines 39-65 and col. 9, line 46 through col. 10, line 43).

Regarding claim 14, Tiedemann teaches all the limitations of claim 13. In addition, Tiedemann teaches a method, wherein performing a microscan comprises: receiving a received signal strength indication (RSSI) for a channel in the grey zone channel list; and comparing the RSSI to one of a threshold value or a previously received RSSI for the channel (see col. 3, lines 39-65 and col. 9, line 46 through col. 10, line 43).

Regarding claims 17 and 22, Tiedemann teaches all the limitations of claims 16. In addition, Tiedemann teaches a method, further comprising performing an initial acquisition scan in response to failing to acquire another communication system (see col. 3, lines 39-65 and col. 9, line 46 through col. 10, line 43).

Regarding claim 23, Tiedemann teaches a communication device (see col. 7, lines 46-50 and Fig. 4), comprising: a receiver to receive a first quality indicator for a channel and a second quality indicator for the channel after a predetermined period of time in response to the first quality indicator being below a predetermined threshold value (see col. 7, lines 46-55, Fig. 4 [shows a receiver 590], col. 9, line 47 through col. 10, line 4 and Fig. 5; The feature of the second quality indicator is met by going through the loop when the received total pilot energy E_c/I_o does not exceed a MIN_TOT_PILOT [i.e. the predetermined threshold value at step 60], the process continues to monitor viable pilots till a quality indicator exceeds a predetermined threshold value and leading to a successful hard handoff at step 62); a channel scan list (see col. 3, lines 28-31, col. 3, lines 59-61, col. 7, lines 20-38, col. 10, lines 10-21); and a microprocessor adapted to cause scanning of any channels on the channel scan list in response to the second quality indicator of the channel being below the predetermined threshold value (see col. 7, lines 56-64, col. 3, lines 46-65, col. 9, line 56 through col. 10, line 43 [i.e. the feature of scanning any channels in a channel scan list in response to the second quality indicator being below the predetermined threshold value is met, since Tiedemann discloses if the minimum pilot energy threshold is not exceeded, the mobile station performs a search to locate viable pilot signals in a list of offsets provided to the mobile station] and Fig. 4; where a control processor 520 is shown).

Regarding claim 24, Tiedemann teaches all the limitations of claim 23. In addition, Tiedemann teaches a communication device, wherein the microprocessor is adapted to acquire another channel from the channel scan list in response to the other

channel having an associated quality indicator greater than or equal to the predetermined threshold value (see col. 7, line 56 through col. 8, line 53 and col. 9, line 46 through col. 10, line 43).

Regarding claim 26, Tiedemann teaches all the limitations of claim 23. In addition, Tiedemann teaches a communication device, further comprising a memory coupled to the microprocessor (see Fig. 4; where a system preference table 510 is shown coupled to a control processor 520), wherein the memory includes a grey zone channel list (see col. 8, lines 15-30).

Regarding claim 27, Tiedemann teaches all the limitations of claim 23. In addition, Tiedemann teaches a communication device, wherein the channel scan list comprises a preferred roaming list (see col. 8, lines 15-30 and col. 10, lines 10-51 [i.e. the extended list of base stations presented to the mobile station meets a preferred roaming list, since Tiedemann teaches the list of base stations on the extended list, constitutes base stations the mobile station may be able to acquire (see col. 10, lines 49-51)]).

Regarding claims 2, 25 and 31, Tiedemann teaches all the limitations of claims 1, 23 and 30. In addition, Tiedemann teaches a computer-readable medium having computer-executable instructions for performing a method, wherein the first and second quality indicators each comprise an E_c/I_o of a code division multiple access (CDMA) pilot channel (see col. 9, line 46 through col. 10, line 4, col. 14, lines 13-67 and Fig. 5; step 60).

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Tiedemann, Jr. et al., U.S. Patent Number 5,999,816 (hereinafter Tiedemann)** as applied to claim 1 above, and further in view of **Shah, U.S. Patent Number 6,047,071 (hereinafter Shah)**.

Regarding claim 15, Tiedemann teaches all the limitations of claim 1. Tiedemann fails to explicitly teach a method, further comprising programming the predetermined threshold value over-the-air.

However the programming of mobile phone parameters over-the-air, such as a predetermined threshold value is very well known in the art as taught for example by Shah. Shah teaches a method for maintaining, changing, and/or updating of mobile phone parameters by a network service provider over-the-air, without requiring intervention by the mobile phone user (see abstract, col. 1, lines 5-10 and col. 2, lines 19-67).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Shah, to the method of Tiedemann, to include a method, further comprising programming the predetermined threshold value over-the-air in order to allow a network service provider to initiate over-the-air access to a mobile station's Number Assignment Module (NAM) without requiring user intervention, and allowing for actions to be taken to protect the service provider's

resources as well as to improve service to its subscribers as taught by Shah (see col. 7, lines 56-62).

7. Claims 3-4, 21 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tiedemann, Jr. et al., U.S. Patent Number 5,999,816 (hereinafter Tiedemann)** as applied to claims 1, 16, 23 and 30 above, and further in view of **Ostberg et al., U.S. Publication Number 2004/0203839 A1 (hereinafter Ostberg)**.

Regarding claims 3, 21 and 32, Tiedemann teaches all the limitations of claims 1 and 16. Tiedemann fails to explicitly teach a method, wherein scanning any channels in the channel scan list comprises skipping any channels on a grey zone channel list.

Ostberg, however teaches methods for performing fast initial frequency scans and cell searches, wherein a controller is configured to control a wireless receiver of a mobile terminal to identify a cellular control channel that can be received by the mobile terminal from a channel list, and to scan for a next cellular control channel that con be received by the mobile terminal by skipping at least one cellular control channel that is adjacent the cellular control channel that was identified, based on the channel allocation rules in the cellular system.

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Ostberg, to the method of Tiedemann, to include a method, wherein scanning any channels in the channel scan list comprises skipping any channels on a grey zone channel list in order to search on the most probable frequencies and exclude "not possible" carrier frequencies when detecting a

base station, thus significantly reducing the initial cell search time as taught by Ostberg (see paragraph 0031, lines 19-22).

Regarding claim 4, Tiedemann teaches all the limitations of claim 1. Tiedemann further teaches a method, wherein any channels in the channel scan list comprises: scanning at least channels in a preferred roaming list (see col. 8, lines 15-30 and col. 10, lines 10-51 [i.e. the extended list of base stations presented to the mobile station meets a preferred roaming list, since Tiedemann teaches the list of base stations on the extended list, constitutes base stations the mobile station may be able to acquire (see col. 10, lines 49-51)]).

Tiedemann fails to explicitly teach skipping any channels on a grey zone channel list.

Ostberg, however teaches a method for performing fast initial frequency scans and cell searches, wherein a controller is configured to control a wireless receiver of a mobile terminal to identify a cellular control channel that can be received by the mobile terminal from a channel list, and to scan for a next cellular control channel that con be received by the mobile terminal by skipping at least one cellular control channel that is adjacent the cellular control channel that was identified, based on the channel allocation rules in the cellular system.

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Ostberg, to the method of Tiedemann, to include a method, wherein scanning any channels in the channel scan list comprises skipping any channels on a grey zone channel list in order to search on the most

probable frequencies and exclude "not possible" carrier frequencies when detecting a base station, thus significantly reducing the initial cell search time as taught by Ostberg (see paragraph 0031, lines 19-22).

8. Claims 6, 12, 19-20 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tiedemann, Jr. et al., U.S. Patent Number 5,999,816 (hereinafter Tiedemann)** as applied to claims 1, 16, 23 and 30 above, and further in view of **Kamel et al., U.S. Patent Number 6,496,531 (hereinafter Kamel)**.

Regarding claims 6, 12, 19-20 and 34, Tiedemann teaches all the limitations of claims 1. Tiedemann further teaches the mobile station determines whether the strength of any of the signals provided by any of the extended list of candidate systems are adequate to support a communication link and compares the strength of the signals received by each of the base stations in the extended list to a predetermined threshold T_ADD and reports only whether the measured signal power is above or below the threshold (see col. 10, lines 15-31).

Tiedemann fails to explicitly teach a method, further comprising adding the channel to a grey zone channel list in response to the second quality indicator signal being below the predetermined threshold value or removing a channel from a grey zone channel list after the channel has been in the grey zone channel list for a predetermined period of time.

Kamel, however, teaches a method and system for controlling forward transmit power in a spread-spectrum communications system, such as a code-division multiple access (CDMA) system, wherein a mobile station measures signal parameters (e.g.,

E_c/I_o) of the neighbor set as the mobile station progresses through different coverage areas in a wireless system, and if a measured signal parameter of a particular pilot channel exceeds a threshold signal parameter measurement (e.g., a threshold E_c/I_o), the pilot channel is added to a candidate set (see col. 11, lines 29-51 and Fig. 4; step 30). Kamel further teaches the mobile switching center determines whether to add a new pilot channel to service the control channel or if a data channel will be opted out (see col. 11, line 55 through col. 12, line 5 and Fig. 4; step 32).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of adding or removing pilot channels in a channel list of Kamel, to the method of Tiedemann, in order for a mobile station to determine the best (e.g., strongest signal strength) forward pilot channels or the best (e.g., strongest signal strength) forward pilot channels for a particular geographic location as the mobile station progresses through different coverage areas and to prevent dropped calls during a soft handoff as taught by Kamel (see col. 6, line 54 through col. 7, line 15).

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Tiedemann, Jr. et al., U.S. Patent Number 5,999,816 (hereinafter Tiedemann)** as applied to claim 1 above, and further in view of **Labun et al., U.S. Patent Number 6,842,621 (hereinafter Labun)**.

Regarding claim 7, Tiedemann teaches all the limitations of claim 1. Tiedemann teaches a method, further comprising: receiving a first quality indicator for a channel (see col. 3, lines 28-45, col. 9, lines 47-60, col. 10, lines 26-31 and Fig. 5; step 60 [i.e.

the received total pilot energy E_c/I_o reads on a first quality indicator]); receiving a second quality indicator for the channel after a predetermined time period in response to the first quality indicator being below a predetermined threshold value (see col. 9, line 47 through col. 10, line 4 and Fig. 5; The feature of the second quality indicator is met by going through the loop when the received total pilot energy E_c/I_o does not exceed a MIN_TOT_PILOT [i.e. the predetermined threshold value at step 60], the process continues to monitor viable pilots till a quality indicator exceeds a predetermined threshold value and leading to a successful hard handoff at step 62); scanning any channels in the channel scan list in response to the second quality indicator being below the predetermined threshold value (see col. 3, lines 46-65 and col. 9, line 56 through col. 10, line 43 [i.e. the feature of scanning any channels in a channel scan list in response to the second quality indicator being below the predetermined threshold value is met, since Tiedemann discloses if the minimum pilot energy threshold is not exceeded, the mobile station performs a search to locate viable pilot signals in a list of offsets provided to the mobile station]).

Tiedemann fails to explicitly teach a method, further comprising: starting a hysteresis timer in response to a quality indicator being below the predetermined threshold value; and receiving another quality indicator after the hysteresis timer expires.

Labun, however, teaches a timing diagram of message flows between a mobile station and a radio network control during handover, wherein radio network control sets a timer when the RSSI of the mobile station drops below the access point threshold

value (see col. 9, lines 15-25). According to Labun, the timer serves as a hysteresis timer to prevent a ping-pong handover effect that could occur if the mobile station moves into an edge of a proximity or coverage area of an access point (see col. 9, lines 25-28 and Fig. 5; steps 510 & 512). Labun further teaches the radio network control sends a disconnect command to the first access point if the hysteresis timer times out and monitors the RSSI from the mobile station at a second access point (see col. 9, lines 28-45 and Fig. 5; steps 510, 512 and 534 [i.e. the mobile station receives another quality indicator (RSSI) from access point (AP2) when the hysteresis timer time out]).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify Tiedemann with Labun, to include a method further comprising: starting a hysteresis timer in response to a quality indicator being below the predetermined threshold value and receiving another quality indicator after the hysteresis timer expires, in order to prevent a ping-pong handover effect that could occur if the mobile station moves into an edge of a proximity or coverage area of an access point as taught by Labun (see col. 9, lines 25-28).

10. Claims 9 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tiedemann, Jr. et al., U.S. Patent Number 5,999,816 (hereinafter Tiedemann)** as applied to claims 1 and 23 above, and further in view of **Douthitt et al., U.S. Patent Number 5,524,280 (hereinafter Douthitt)**.

Regarding claims 9 and 28-29, Tiedemann teaches all the limitations of claims 1 and 23. Tiedemann teaches a communication device and method, further comprising: scanning any channels in the channel scan list in response to the second quality

indicator of the channel being below the predetermined threshold value the period of time (see col. 3, lines 46-65 and col. 9, line 56 through col. 10, line 43 [i.e. the feature of scanning any channels in a channel scan list in response to the second quality indicator being below the predetermined threshold value is met, since Tiedemann discloses if the minimum pilot energy threshold is not exceeded, the mobile station performs a search to locate viable pilot signals in a list of offsets provided to the mobile station]).

Tiedemann fails to explicitly teach starting an initial scan timer before scanning any channels in the channel scan list; and performing an initial acquisition scan in response to the initial scan timer expiring.

However the use of an initial scan timer for scanning a channel list to acquire a channel is very well known in the art as taught for example by Douthitt. Douthitt teaches a method of acquiring at a subscriber unit, a channel on which to provide data service in a general frequency reuse system, wherein an intermediate scan timer is started before scanning any channels in the channel scan list; and performing an initial acquisition scan in response to the initial scan timer expiring (see col. 7, line 61 through col. 8, line 34).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify Tiedemann with Douthitt, to include an initial scan timer for the acquisition of a channel when a mobile station progresses through different coverage areas in a communication system to minimize channel acquisition latency as taught by Douthitt (see col. 10, lines 50-65).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kalhan et al., U.S. Publication Number 2004/0116133 A1 discloses system and method for determining when to exit an existing wireless communications coverage network.

Nelson, U.S. Patent Number 6,917,808 discloses inter-frequency handoff evaluation method.

Jetzek, U.S. Patent Number 6,754,493 discloses method and systems for dynamic threshold adjustment for handoffs in radio communication systems.

Proctor, JR., U.S. Publication Number 2004/0127220 A1 discloses antenna adaptation to manage the active set to manipulate soft hand-off regions.

Leslie et al., U.S. Patent Number 5,152,002 discloses system and method for extending cell site coverage.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony S. Addy whose telephone number is 571-272-7795. The examiner can normally be reached on Mon-Thur 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anthony S. Addy
September 15, 2005

TEMICA BEAMER
PRIMARY EXAMINER
11/17/04